

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL B. WOOLMAN,)
)
Plaintiff,) 4:12CV3172
)
v.)
)
THE LODGE and PERRY REID) MEMORANDUM AND ORDER
PROPERTIES,)
)
Defendants.)
)

This matter is before the Court on plaintiff's Motion for Leave to Appeal In Forma Pauperis (Filing No. [10](#)). On September 5, 2012, the Court dismissed plaintiff's claims without prejudice (Filing No. [7](#)) and entered judgment against plaintiff (Filing No. [8](#)). On September 27, 2012, plaintiff filed a Notice of Appeal of the judgment (Filing No. [9](#)). Plaintiff is not a prisoner and has previously been granted leave to proceed IFP in this matter (Filing No. [6](#)).

As set forth in Federal Rule of Appellate Procedure 24(a)(3):

(a) Leave to Proceed in Forma Pauperis

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless the district court -- before or after the notice

of appeal is filed -- certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. In that event, the district court must state in writing its reasons for the certification or finding.

The Court finds that because plaintiff proceeded IFP in the district court, he may now "proceed on appeal in forma pauperis without further authorization."

IT IS ORDERED:

1. Plaintiff's Motion for Leave to Appeal In Forma Pauperis (Filing No. 10) is granted.

2. The clerk of the court shall provide the Court of Appeals with a copy of this Memorandum and Order.

DATED this 2nd day of October, 2012.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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